

PATENT COOPERATION TREATY

PCT/DE2003/001823



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

07 DEC 2004

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference BRO1056WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/DE2003/001823 | International filing date (day/month/year) 30 May 2003 (30.05.2003) | Priority date (day/month/year) 07 June 2002 (07.06.2002) |
| International Patent Classification (IPC) or national classification and IPC H02K 7/102 | | |
| Applicant BROSE FAHRZEUGTEILE GMBH & CO. KG, COBURG | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 11 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 07 January 2004 (07.01.2004) | Date of completion of this report 26 July 2004 (26.07.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/001823

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages _____, 1, 4-8, as originally filed

pages _____, filed with the demand

pages _____, 2, 2a, 3, 3a, 9, filed with the letter of 05 July 2004 (05.07.2004)

☒ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, 1-24, filed with the letter of 05 July 2004 (05.07.2004)

☒ the drawings:

pages _____, 1/3-3/3, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. _____ 25, 26

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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|-------------------------------|--------|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 1-24 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-24 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-24 | YES |
| | Claims | | NO |

2. Citations and explanations

1) Reference is made to the following documents:

D1: WO 94 23220 A (GRAMATTE GEORG; ATG
ANTRIEBSTECHNIK LOERRACH G (DE)) 13 October 1994
(1994-10-13)
D2: DE 199 43 692 A (BROSE FAHRZEUGTEILE)
8 March 2001 (2001-03-08)
D3: FR-A-2 405 586 (TISSMETAL LIONEL DUPONT)
4 May 1979 (1979-05-04)

2) D1, which is considered to represent the closest prior art, discloses (cf. page 5, line 33 to page 6, line 21) a drive for a regulating device from which the subject matter of claim 1 essentially differs in that the locking element is fixed in a position locking the drive element by magnetic forces produced by the stator of the drive motor when the drive motor is not energized.

The problem addressed by the present invention may therefore be considered that of providing a maximally simple self-locking design for a powered drive for a regulating device.

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D1-D3 neither contain, individually or in combination, all the features of the present invention, nor lead thereto without an inventive step.

Consequently, claim 1 may be considered to be novel, to involve an inventive step and to be industrially applicable (PCT Article 33(2) to (4)).

Since dependent claims 2-24 claim optional features of the drive according to claim 1, they may also be considered to be novel, to involve an inventive step and to be industrially applicable (PCT Article 33(2) to (4)) in accordance with claim 1.